

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HIGHWAY MATERIALS, INC.,	:	CIVIL ACTION NO. 02-3212
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
WHITEMARSH TOWNSHIP, <u>et al.</u> ,	:	
	:	
Defendants.	:	
	:	

**REPORT OF THE PARTIES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 26(f)**

The parties, through their counsel and having met as required by Federal Rule of Civil Procedure 26(f), hereby submit this report on their proposed discovery plan.

1. Discovery and Case Management Deadlines

The parties have agreed on the following deadlines:

- Rule 26(a)(1) Initial Disclosures -- December 10, 2002
- Completion of Fact Discovery -- July 30, 2003
- Rule 26(a)(2) (Expert) Disclosures
 - Plaintiff -- August 29, 2003
 - Defendants/Intervenors-- September 30, 2003
 - Plaintiff (Rebuttal, If necessary) -- October 21, 2003
- Dispositive Motions Due -- December 1, 2003
- Completion of Expert Discovery -- December 1, 2003
- Responses to Dispositive Motions Due -- January 5, 2004

The parties jointly request that the Court set a date certain of February 2, 2004 for the commencement of the trial in this matter.

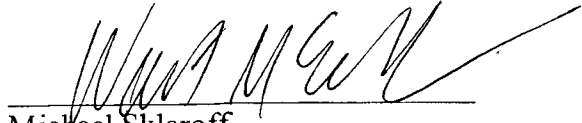
2. Other Issues / Limitations

The parties have agreed that Plaintiff shall be entitled to take 14 depositions (including third-party depositions) and that Defendants/Intervenors shall be entitled to take a total of 14 depositions (including third-party depositions).

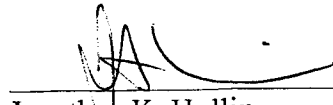
The parties have not been able to agree on when discovery may commence. Plaintiff intends to serve paper discovery shortly after supplying its initial disclosures under Rule 26(a)(1). Defendants and Intervenors, on the other hand, contend that other than the Rule 26(a)(1) disclosures, all discovery should be stayed until the Court rules on the pending motions to dismiss and for summary judgment.

Additionally, the Intervenor believe that abstention may be appropriate based on certain state court proceedings, and may move the Court to abstain after the Court rules upon the pending motions. Plaintiff would oppose any such motion.

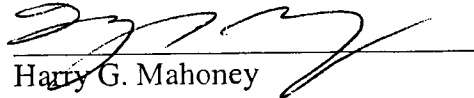
Respectfully submitted,

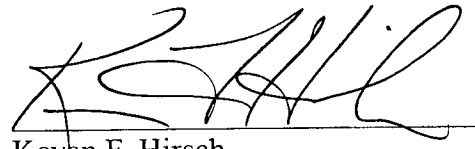

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